

SENATE BILL 3690
By Burchett

AN ACT to amend Tennessee Code Annotated, Title 37 and Title 40, Chapter 39, relative to the registration of certain juveniles under the "Tennessee Sexual Offender and Violent Sexual Offender Registration, Verification, and Tracking Act of 2004".

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 40, Chapter 39, Part 2, is amended by adding the following new section:

§40-39-212.

(a) Any juvenile who has been adjudicated a delinquent by a juvenile court for engaging in conduct which, if engaged in by an adult, would constitute a sexual offense as defined in §40-39-202(17) or a violent sexual offense as defined in §40-39-202(25), shall be considered a juvenile sex offender and shall be required to register as a juvenile sex offender by complying with the registration requirements provided in this part. The juvenile court judge shall conduct the registration and notification procedures as specified for adults. The juvenile court officer shall then file the registration and notification information for the juvenile with the appropriate sheriff. This requirement shall also apply to any person who is or has been adjudicated a juvenile delinquent in any other state or federal jurisdiction for committing or attempting to commit offenses which would be proscribed herein.

(b) If a juvenile who is required to register changes address, the court officer for the juvenile shall provide written notice of the new address not later than the tenth day after the change to the sheriff of the county with whom the juvenile has last registered. Upon receipt of the notice, the sheriff shall immediately forward this information to the

Tennessee bureau of investigation. If the juvenile moves to another county in this state, the sheriff shall also inform the sheriff of the new county of the juvenile's new address.

(c) Every year on the anniversary of a juvenile's initial registration date, the sheriff shall mail a non-forwardable verification form to the court counselor assigned to the juvenile. The court counselor for the juvenile must return the verification form to the sheriff within ten (10) days after the receipt of the form. The verification form must be signed by the court counselor and the juvenile and indicate whether the juvenile still resides at the address last reported to the sheriff. If a juvenile has a different address, then the person must indicate that fact and the new address.

(d) Juvenile courts shall also maintain a copy of registration forms of those juvenile offenders in their jurisdictions who register as required by this section. The information regarding a juvenile required to register under this section is not public record and is not available for public inspection. The registration information of a juvenile under this section must be maintained separately by the bureau and juvenile court and released only to law enforcement agencies or such other persons and agencies as are authorized to receive information from juvenile court files and records as provided by law. Under no circumstances shall the registration of a juvenile adjudicated delinquent be included in a county or statewide registry, or be made available to the public via Internet.

(e) State agencies having custody of juveniles who fall within the registration requirements of this section shall notify the bureau and the appropriate juvenile court and sheriff when such juvenile offenders are being transferred to a location falling within the jurisdiction of such juvenile court and sheriff.

(f) Any juvenile who is required to register pursuant to this section but fails to do so or who provides false information on the registration form is subject to disposition

pursuant to this title 37 . Any person eighteen (18) years of age or over who commits such violation is guilty of an offense as provided in this part.

(g) Any juvenile to whom the registration requirement of this section applies shall be informed by the official in charge of the juvenile's custody, upon the juvenile's discharge or release from such custody, of the requirement to register pursuant to this section. Such official shall obtain the address where such juvenile expects to register upon being discharged or released and shall report the juvenile's name and address to the sheriff's office where the juvenile will be required to register. This requirement to register upon discharge or release from custody does not apply in situations where the juvenile is temporarily released under guard or direct supervision from a detention facility or similar custodial facility.

(h) The registration process provided by this section does not apply to a juvenile who is tried and convicted as an adult for committing or attempting to commit a sexual offense or violent sexual offense. A juvenile who is convicted as an adult of any of those offenses must register in the same manner as an adult convicted of the same offense.

(i)

(1) The requirement to register as a juvenile sex offender shall terminate upon the juvenile offender reaching twenty-one (21) years of age if the act for which the juvenile was found delinquent constituted a sexual offense as defined in §40-39-202(17), if committed by an adult.

(2) The requirement to register as a juvenile sex offender shall terminate upon the juvenile offender reaching twenty-five (25) years of age if the act for which the juvenile was found delinquent constituted a violent sexual offense as defined in §40-39-202(25), if committed by an adult.

SECTION 2. Tennessee Code Annotated, Section 37-1-153, is amended by adding the following new subdivision to subsection (a):

(6) The Tennessee bureau of investigation or the office of a sheriff or other juvenile court when necessary to verify or obtain information concerning a juvenile required to register under the Tennessee Sexual Offender and Violent Sexual Offender Registration, Verification, and Tracking Act of 2004.

SECTION 3. Tennessee Code Annotated, Section 37-1-154, is amended by adding the following new subdivision to subsection (a):

(6) The Tennessee bureau of investigation or the office of a sheriff or other juvenile court when necessary to verify or obtain information concerning a juvenile required to register under the Tennessee Sexual Offender and Violent Sexual Offender Registration, Verification, and Tracking Act of 2004.

SECTION 4. This act shall take effect July 1, 2006, the public welfare requiring it and shall apply to all juveniles engaging in specified conduct on or after such date.